IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT PETITION NO : 3997 of 2005**

Between:

T.K. Murthy, S/o. T. Ramkoti,
R/o. Hindupur, Anantapur District.

**..... PETITIONER**

AND

1 The Depot Manager, A.P.S.R.T.C. Hindupur Depot,

Anantapur District.
2 The Deputy Chief Traffic Manager, A.P.S.R.T.C.,

Anantapur Region, Anantapur, Anantapur District.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or orders or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings No. 02/95 100/2000 HDP dated 8-5-2000 of the 1st respondent proceedings No.TY/19(260)/2000 Dy CTM'A' dated 9-4-2001 of the 2nd respondent, as illegal, arbitrary, in violation of principles of natural justice and in violation of Article 14 and 21 of the constitution of India and consequently direct the respondents to add one annual increments to the pay of the petitioner and to pass such other and further order or orders, as this Hon'ble Court may deems fit and proper in the circumstances of the case

**Counsel for the Petitioner: MR.A.RAMA RAO**

**Counsel for the Respondents: MR.P.VINAYAKA SWAMY**

**The Court made the following :**

**ORDER:**

The petitioner is working as a Conductor in the respondents-Corporation. He was issued a charge sheet on 20-04-2000 for having committed cash and ticket irregularities and after receiving the explanation of the petitioner; final orders were passed by the 1st respondent on 08-05-2000, imposing the penalty of deferring annual increment with cumulative effect for one year. The petitioner questions the order on the ground that though the reduction of annual increment with cumulative effect is a major penalty, the 1st respondent passed the impugned order without conducting any enquiry as required under the Rules. Therefore, the order is illegal and it is liable to be set aside.

The learned counsel for the petitioner relied on the judgment of the Supreme Court in "**Kulwant Singh Gill Vs. State of Punjab**" wherein the Supreme Court held that since the punishment imposed on the petitioner therein is a major punishment, the order cannot be sustained without an enquiry. The petitioner, therefore, seeks to declare that the impugned order is illegal and is liable to be set aside.

The petitioner after receiving the adverse orders slept over the matter for a period of three years. There are laches on his part in asserting his right regarding this issue. Though the impugned order is liable to be set aside, on account of long lapse of time in filing the writ petition and in view of the judgment of the Supreme Court in **Kulwant Singh's** case (1 supra), I am of the view, having regard to the nature of misconduct that it would be appropriate if the punishment imposed on the petitioner is treated as reduction of one annual increment without cumulative effect. The

petitioner is not entitled for the difference of the amount, if any, by virtue of this order for the period from the date of the impugned order till the expiry of the one year period. But, he is entitled to get increment on notional calculation from the date of the next increment after the expiry of the one year period to which he is entitled, as he has been imposed penalty of reduction of one annual increment without cumulative effect.

The writ petition is accordingly disposed of with the above observation. No costs.

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02-03-2005

vs

To

1 The Depot Manager, A.P.S.R.T.C. Hindupur Depot,

Anantapur District.
2 The Deputy Chief Traffic Manager, A.P.S.R.T.C.,

Anantapur Region, Anantapur, Anantapur District.

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